

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

**UNITED STATES OF AMERICA**  
  
**v.**  
  
**ANDREW DEMOND WILKERSON**

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**EP-23-CR-1382-DB**

**ORDER ADOPTING THE REPORT AND RECOMMENDATION OF THE  
MAGISTRATE JUDGE**

On this day, the Court considered the “Report & Recommendation” (“R & R”) filed in the above-captioned case by United States Magistrate Judge Anne T. Berton (“Judge Berton” on October 10, 2024. R & R, ECF No. 58. Therein, Judge Berton recommends that the District Court deny the Government’s “Motion to Forcibly Medicate Defendant to Restore Competency (ECF No. 35)”. *Id.* at 2. Judge Berton found that the Government failed to meet its burden by establishing the four factors under *Sell v. United States*, 539 U.S. 166 (2003), to show that Defendant Andrew Demond Wilkerson should be forcibly medicated, by clear and convincing evidence. *Id.* at 6.

Because neither the Government nor Defendant objected to Judge Berton’s R & R, the Court has reviewed the R & R for clear error. *See Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (en banc), superseded by statute on other grounds, 28 U.S.C. § 636(b)(1). As the Court finds no clear error, the R & R will be approved and adopted in full. The Government’s “Motion to Forcibly Medicate Defendant to Restore Competency,” ECF No. 35, will be denied.

Accordingly, **IT IS HEREBY ORDERED** that the United States Magistrate Judge Anne T. Berton's "Report and Recommendation," ECF No. 58, is **APPROVED** and **ADOPTED**.

**IT IS FURTHER ORDERED** that the Government's "Motion to Forcibly Medicate Defendant to Restore Competency," ECF No. 35, is **DENIED**.

SIGNED this 25<sup>th</sup> day of October 2024.

  
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**THE HONORABLE DAVID BRIONES**  
**SENIOR UNITED STATES DISTRICT JUDGE**